

FREMONT BOARD OF SELECTMEN**19 JUNE 2008****APPROVED 06/26/2008**

At 6:10 pm the Board's meeting was called to order by Gene Cordes. Present were Selectmen Gene Cordes, Donald Gates Jr, and Brett Hunter; Town Administrator Heidi Carlson and DRA Representative Jeane Samms.

Samms indicated that she had been with the NH Department of Revenue Administration (DRA) for 20 years as a business administrator; and then in property appraisal working on equalization ratios. She has been an auditor with DRA now for three years. She is currently Fremont's assigned auditor.

She presented several sets of handouts containing information including the calendar and DRA Technical Assistance sheets for SB2 towns. She began by reviewing the March 2008 meeting schedule, and then referred to the March 2009 meeting schedule, which would be Fremont's first year in the cycle.

She explained that SB2 means we have our annual town meeting early, in that the deliberative session is held in late January or early February; followed by the actual yes/no voting on the second Tuesday in March.

She said that at the deliberative session, voters would discuss, disclose and debate all warrant articles on the warrant. The posted warrant remains the same, but then a set of articles as amended by the deliberative session are then posted in the form of a ballot. This is what voters review to make their final decisions for votes to be cast on the second Tuesday in March.

Samms said that this moves up the preparation time for public hearings and deliberative session to follow the stringent dates with SB2. It will be between one and three weeks earlier than past years, depending on what the meeting or posting is for.

Samms reviewed the handout on Technical Assistance for SB2 and there was discussion and questions.

Since our School District is not SB2, they could keep on the traditional schedule that they have kept in the past, if they wanted to. This would mean a second set of all meetings and hearings, if the Town uses the earlier schedule and the School District does not. As a budgetary impact, it could mean additional Budget Committee meetings, as well as posting two public budget and/or bond hearings.

Next year, Town Reports are due out March 2, 2009. The Town usually plans at least a day or two earlier, to be sure the printing and mailing schedules will make the deadline. Carlson had also done a preliminary schedule for budgeting purposes in March and distributed it to the Selectmen and Budget Committee to consider, as this needs to be determined very soon. The Budget Committee does not meet again until August 13th, at which time they will need to definitively set their schedule for the fall.

Samms said there is no requirement to mail out the warrant prior to the deliberative session, but that getting people to come to the deliberative session is the real issue. Carlson expressed concern about people not having access to the information on the initial posted warrant in advance of coming to the deliberative session, but the postings do not allow enough time to mail it once it is prepared. People will need to know the date of the scheduled deliberative session and read ahead on line or obtain a printed copy in advance.

Samms then reviewed the required wording for the operating budget warrant article, which is prescribed by statute. The required wording of the operating budget per RSA 40:13 XI is as follows: "Shall the Town of Fremont raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling

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\$_____? Should this article be defeated, the default budget shall be \$_____, which is the same as last year, with certain adjustments required by previous action of the Town of Fremont or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13 X and XCI", to take up the issue of a revised operating budget only."

Samms suggested that the Board have everything in order when it comes time to set your default budget. The default budget is also required to be posted. She said that the default budget is done by the Board of Selectmen, on the special default budget form provided by DRA (Form MS-DT).

Samms also indicated that the Board is NOT supposed to put Board of Selectmen or Budget Committee recommendations on anything except special warrant articles. Carlson said no one has ever asked that these recommendations be removed and Samms said that DRA is slowly telling towns not to include anything in terms of recommendations on their warrants.

This generated discussion, because the Board felt that people want to know whether or not the Selectmen and/or Budget Committee recommend certain appropriations. Samms said the only way this can be allowed is with statutory language in a warrant article to include these recommendations.

Samms did point out that collective bargaining articles do get a recommendation included from the Board of Selectmen and Budget Committee as per a different statute giving authority for that.

Samms explained that the 10% rule still applies, and is calculated from the MS-7 form. This means that no more than 10% of the Budget Committee recommendation can be raised in addition. Now that the voting does not take place in person as the articles are being discussed, the DRA would not review this until after the voting is complete and an MS-2 (Statement of Appropriations) is done by the Selectmen and submitted. If the deliberative session changes numbers that would exceed the 10% calculation, DRA does not make that determination at the time. If the amount is by chance exceeded by the voting session, DRA starts with the last article voted (backing out appropriations) to get down to a number within the 10% limitation.

She indicated that 10% of the Budget Committee recommended number that is posted for the public budget hearing is what is used. She said that you also post the default budget at the same time as the MS-7 and warrant no later than January 26, 2009 (for next year).

There was further discussion about the concerns around the reduced time for items to be posted in advance of the deliberative session, and residents will have to be looking for those items in the five days between the mandatory posting and first date a meeting can be held.

Samms said that DRA has been instructed, and will not answer questions on contracts, nor on the default budget. She said that the opinion is that DRA is afraid that they will be taken to court or get bad publicity.

There was discussion about what the default budget is. She indicates for next year, it is the 2008 budget with additions and subtractions for one time charges as spelled out in the law. She had also provided a copy of RSA 40:13 as well.

Samms reiterated that DRA is instructing towns to follow the letter of the law, and include NO written recommendations on warrant articles other than special warrant articles as prescribed by statutes. She said these can be determined by reviewing RSA 40:13 and RSA 32:5.

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Samms said that the minutes from the deliberative session need to include the verbiage of any changed warrant article.

There was discussion about how to prepare the minutes of the deliberative session and report on the results of the Tuesday Town voting session. Samms said she prefers the ballot format of reporting, and the Town Clerk has to also sign at the bottom (even though the Clerk's name is printed on the front page of the ballot).

Samms provided her contact information to the Board, indicating she would be glad to offer further assistance as needed. She left the meeting at 7:17 pm and the Board thanked her for her time and the amount of information.

There were no Department Heads present. Carlson explained to the Board that Rick Butler had been in today to say that the tank hole had been repaired by welding a section and had been repainted and was back in service.

OLD BUSINESS

1. After review, motion was made by Hunter to approve the minutes for 12 June 2008 with one typographical correction on page three. Gates seconded and the vote was unanimously in favor.
2. The EMD position has been posted in Town buildings and on the website and included in the July newsletter. This position will remain open until a suitable candidate is found.
3. Janice O'Brien has forwarded the Conservation Easement on property of Hjalmer and Christine Anderson for review. Board members would like John Ryan to review this easement to protect interests of the Town and the Andersons. Carlson will send it to him on Monday next week.
4. Carlson discussed briefly with the Board a grant from NHTB for recycling bins. The bins currently available from NHTB (which are grant-acceptable and the cheapest price) are green. The Board was not opposed to the next purchase of bins being green in color. They would be about the same color as the new toters.

Cindy McRae came into the meeting at 7:50 pm. At that time, Cordes reopened the continued Public Hearing for the Barn Discretionary Easement. No members of the public were present.

McRae said she had filled out the information to do a preliminary application to the NH Historic Resources Division on her property. She said that after looking over the criteria, she did not see anything that would not make it eligible. She is waiting for a response back from the Division, which is due after their meeting of Wednesday June 25th.

Carlson had printed out information from the Historic Resources website and sent it to McRae when her computer system was down. Copies of some of the information was kept on file, but the majority applies only to the private landowner and was therefore given to McRae. This application process would be up to McRae as the property owner, to follow through on.

McRae submitted two additional black and white photographs and a USGS map of the area. She also referenced the photo in the Town History Book, which the Town has, and can copy also for the file.

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There was discussion about continuing the public hearing again. Gates moved to continue the public hearing to 6:30 pm on Tuesday July 1, 2008 for receipt of McRae's final follow-up information. Hunter seconded and the vote was unanimously approved 3-0.

McRae left the meeting at 7:55 pm and thanked the Board for their time.

NEW BUSINESS

1. Selectmen reviewed the accounts payable manifest. Motion was made by Hunter to approve the accounts payable manifest dated 20 June 2008 in the amount of \$17,097.14. Gates seconded and the vote was unanimously approved 3-0.

Nicole Cloutier and Renee King came into the meeting at 8:10 pm.

2. Selectmen reviewed the July Newsletter. Motion was made by Hunter and seconded by Gates to approve the July 2008 Newsletter as written. The vote was unanimously approved 3-0.

At 8:15 pm Jen Jaquith also came into the meeting with six candidates for consideration of appointment for the 2008 Camp Fremont Summer Program. The candidates were:

Jen Jaquith, Director (3rd year running the program);

Abby Pelletier, Activities Director (2nd year)

Amelia Winchell, Counselor (2nd year)

Lauren Lyons, Counselor (2nd year)

Lauren Lennon, Counselor (2nd year)

Lydia McPherson, Counselor (1st year)

Alisha Lorenzo, Substitute Counselor (3rd year)

Gene Cordes explained the program and explained the Board's role and each of the counselor's role in the program, continuing that they are going to be making a difference in the children's lives and the parent's lives because they are in good care. He stressed their importance to the program. He said there were training and procedures to go through in preparation. He said that the Board of Selectmen hears good things about the program and does not get complaints, and that is a good thing.

It was indicated that the employees need to complete all of the Town's paperwork this evening, including copies of identification and such. If it can not be completed tonight, they needed to do it as soon as possible. They cannot come to their first day of work or receive their first paycheck without the forms all completed and submitted to the Selectmen's Office.

With no further questions, motion was made by Gates and seconded by Hunter to appoint the following individuals to positions with the 2008 Camp Fremont Summer Program:

Jen Jaquith as the Director;

Abby Pelletier as Activities Director;

Amelia Winchell, Lauren Lyons, Lauren Lennon, Lydia McPherson as Counselors; and

Alisha Lorenzo as a Substitute Counselor.

All of the appointees went upstairs to fill out payroll paperwork, which will be left for Carlson later.

With no further business, they all left the meeting at 8:30 pm.

NEW BUSINESS CONTINUED

3. Selectmen reviewed the folder of incoming correspondence.

At 8:40 pm Roger Kirk came into the meeting to take an updated photo of Board of Selectmen for the Town's website. He took several photos to get one that will work well on the site. He discussed with the Board the site and his ideas to "refresh" or update it some. This included seasonal photographs and different headers. The site is a constant work in progress.

Carlson and Kirk then went upstairs to retrieve a copy of the Town's street map so that may be put up on the website. Kirk also wanted to take a photograph of the Town seal in color for use on the website.

NEW BUSINESS CONTINUED

4. Selectmen reviewed a letter from Guerwood Holmes regarding reconsideration of purchasing a roller for use by the Department. Holmes said that he had recently tried to rent one, and been foiled by weather, and said he wanted the Board to consider purchasing one. The Board discussed it briefly and said that Holmes should come in and talk about the purchase of a roller with reasoning behind it. The Board questioned where it would be stored, and for use a couple of times per year, wanted to hear further rationale from Holmes.

Holmes had sent an email also asking Selectmen to look at the highway shed as there had been some damage while they were loading in all of the newest deliveries of winter sand. Only one of the Selectmen had been able to get in to the site. This will be for further discussion next week.

Holmes had spoken to Carlson earlier in the week about additional roadway regulations to avoid placement of anything in the ROW. He referred to regulations in place in Raymond. This includes the Town sharing the ROW with mailboxes and having some installation guidelines. This is a topic the Board will discuss with Holmes at a time when he can come in.

Another letter from Holmes was in the mail file, addressing the issue of Holmes being called by the Police Department (or their dispatch center) to remove trees or other obstructions on State highways. Holmes cited Jun 11, 2008 at 6:00 am when he received a call from the Rockingham County Sheriff's Department requesting he cut a tree down at 123 Main Street.

Holmes expressed concern about this being State roadway, and had said to Carlson that he did not feel he had the authority to cut trees there, and was concerned about liability. In the letter, Holmes asked for the Board to contact the Police Chief and ask that these matters be directed to the property authority.

The Board again wanted to discuss this with Holmes, and talked about a letter to Chief Janvrin being sent with a copy of Guerwood's letter, asking the two Department Heads to further review a protocol as well.

With a wide variety of issues outstanding, the Board would like to encourage Guerwood to come in and talk to them.

5. Cordes discussed the Planning Board meeting from last night, including a visit from the Parks & Recreation Commission (Jon Bensen) to discuss their further CIP plans for field expansion.

Cordes suggested that the Board of Selectmen meet with Jon Benson to follow up and further discuss the Planning Board meeting. The Selectmen need to understand what is in their plans for expansion of the fields in a future year.

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There was discussion about the high use of the fields and need to keep on top of all of the maintenance issues and have an annual plan to address the different fertilizer needs, etc.

Cordes said that the Planning Board had a discussion about density issues with development and innovative ways to create and enhance open space. He mentioned model energy information and “green” scapes.

6. Cordes provided updates from the Energy Committee meeting which was held on Tuesday evening June 17, 2008.

7. The Board reviewed a follow-up letter from Thom Roy on the Tom Waters property 02-106 on Bean Road. The Board would like to ask Roy for his recommendation on what Waters should be asked to pursue, whether it is appropriate for a gravel operation application or site plan review. Further the Board will ask for Roy to make a list of all the things he viewed on site, including what material is there, how is it being processed, is it being mixed with anything, how much is stockpiled on site, if there is any silt fencing, what is the truck traffic; overall what is evident on the scene. From there, the Selectmen will draft a follow-up letter to Mr Waters.

8. With regard to cable updates, the Board reviewed an email from Keith Stanton to Jeanne Nygren containing several complaints and a request for certain information related to the Cable Contract (some of which is attorney-client privilege at this point). The Town is working with Peter Epstein on a contract with Comcast, and has taken into consideration the material and information brought forth by the Cable Committee.

The Board feels that the email overreaches in terms of what the Committee’s purpose was, which was to gather information and report it back to the Selectmen. The Board feels the Committee satisfied much of that work and that the Board is now taking the information and working toward a final contract.

The initial purpose of the Cable Committee was identified to research and make recommendations to the Selectmen. The Cable Committee has completed its task, and the Board has taken those recommendations and are evaluating it, and gathering additional information to continue working toward a final contract.

The contract review and consultation with the attorney is a legal matter and once the Board makes a determination, that will shortly become public record and can be reviewed also.

Selectmen also discussed sending a letter to Peter Bearse in his capacity having assumed the role of Co-chair; to be copied to the entire Committee. The Board will be further exercising their judgment as well as evaluating information from counsel. The Selectmen will state that they do not expect anything further from the Cable Committee.

Drafts of these two letters will be reviewed next Thursday.

Carlson also received a phone call today from Costas Tonas who resides on Shirkin Road, indicating that his home and perhaps one other on that street are wired from an Epping feed. This is information that has never before been presented.

9. Selectmen reviewed and approved an Intent to Cut for 2008-09 for Horsburgh Property on parcel 03-003.

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10. Selectmen reviewed a request from Claudia Trembley and Robert Ingalls to use the Old Meetinghouse on August 23, 2008 for a wedding ceremony from 3:00 to 3:30 pm. This request was approved and will be sent out with a letter outlining additional conditions for use of the building.

11. Selectmen reviewed recommendations on abatement settlements for parcel 05-009 for tax years 2005, 2006 and 2007. The Assessor's recommendation details out the property owner's application for an abatement beginning in 2005, which was denied and subsequently appealed to the Board of Tax and Land Appeals. Joe Lessard of MRI met with the taxpayer's representative (from Attorney Marshall's Office) and it was determined that a reduction in value of \$5,000 would resolve the matter. Lessard recommends this reduction after reviewing the property, and is therefore recommending a value reduction of \$5,000 in each of the three years on appeal (2005, 2006, and 2007). This results in a tax refund of approximately \$300 plus interest to settle the NH BTLA case.

After reviewing the forms, motion was made by Hunter and seconded by Gates to accept the Assessor's recommendation of value on parcel 05-009 at \$36,978 for all three tax years on appeal. The vote was unanimously approved 3-0.

12. Selectmen reviewed a Yield Tax Warrant in the amount of \$30.40 for the 2007-08 tax year on parcel 03-003 owned by Ellen Horsburgh. The certification and warrant were signed on a motion from Gates and second from Hunter.

At 9:45 pm motion was made by Gates to enter non-public session pursuant to NH RSA 91-A:3 II (c) to discuss a personnel evaluation form. Hunter seconded and the vote was unanimously approved 3-0.

At 9:55 pm motion was made by Hunter and seconded by Gates to return to public session. The vote was unanimously approved 3-0.

Cordes stated for the record that the Board concurs with the evaluation and recommendation with step and grade increase for Meredith Bolduc contingent with the budget proposal for the Land Use clerical position. Motion was made by Gates to accept the evaluation and proceed with the pay rate outlined in the budget process. Hunter seconded and the vote was unanimously approved 3-0.

NEXT WEEK

The next regular Board meeting will be held on Thursday June 26, 2008 at 6:00 pm.

With no further business to come before the Board, motion was made to adjourn the meeting at 10:10 pm by Gates and seconded by Hunter. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator

Minutes of Non-Public Session

In: 9:45 pm

Present: Selectmen Gene Cordes, Donald Gates Jr, Brett Hunter; Town Administrator Heidi Carlson

Selectmen reviewed the performance evaluation for Meredith Bolduc, the Planning and Zoning Administrative Assistant; which was completed by her Supervisor Thom Roy.

Selectmen had no questions and concurred with the evaluation.

Out: 9:55 pm